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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,729	10/22/2003	Adam D. Pratt	SHXP101US	2728
24041	7590	05/10/2004	EXAMINER	
SIMPSON & SIMPSON, PLLC 5555 MAIN STREET WILLIAMSVILLE, NY 14221-5406			WILSON, NEILL R	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 05/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/605,729

Applicant(s)

PRATT, ADAM D.

Examiner

Neill R. Wilson

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-17 and 20-25 is/are rejected.
- 7) ☒ Claim(s) 5, 18 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/5/04</u> .  | 6) <input type="checkbox"/> Other: ____                                     |

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| Paper No(s)/Mail Date <u>2/5/04</u> .  | 6) <input type="checkbox"/> Other: ____                                     |

## DETAILED ACTION

### *Specification*

The abstract of the disclosure is objected to because it does not adequately describe the invention (too brief). Correction is required. See MPEP § 608.01(b).

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6-11, 15, 20 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Heminger.

Heminger discloses an anchor type fastener with an inner surface and an outer surface and an adhesive on the outer surface. The outer surface includes ridges 32 and the adhesive covers the ridges.

Claims 1-4, 9-11, 15, 20 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Abraham.

Abraham discloses an anchor type fastener 102, 202 with an inner surface and an outer surface and an adhesive on the outer surface. The inner surface is in the form of a bore that extends entirely through the anchor.

Claims 1, 3, 6-8, 15-17 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Witten.

Whitten also discloses an anchor with an inner surface and an outer surface and an adhesive on the outer surface. The anchor includes a flange 12 and ridges 58 on its outer surface. The adhesive extends to the flange and covers the ridges.

Claims 1, 2, 12-14, 21 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Castor et al.

Castor et al also disclose an anchor type fastener that includes an inner surface, an outer surface and slots 7' that allow the anchor to expand combined with an adhesive 8 provided on the outer surface of the anchor. The specification states that the adhesive used may be a micro capsule type adhesive (which is a thread locking type of adhesive).

#### ***Allowable Subject Matter***

Claims 5, 18 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references to Gauron, Hofmeister, Fischer, Giannuzzi et al and the European patent disclose related anchor devices and are cited to further show the state of the art.

The prior art references cited by applicant have not been considered (copies were not provided and the content of the references was not disclosed or discussed).

The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

### **Certificate of Mailing**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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Art Unit: 3679

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703)\_\_\_\_\_ - \_\_\_\_\_ on \_\_\_\_\_.  
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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

A response to this action can be filed by Fax (use Fax No. 703-872-9326).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neill R. Wilson whose telephone number is 703-308-0164. The examiner can normally be reached on Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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NRW  
5/3/04

A handwritten signature in black ink, appearing to read "Neill Wilson", with a stylized, flowing script.

Neill Wilson  
Primary Examiner